

REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is requested. Claims 7-13 and 16-27 are in this application. Claims 7-12 and 16-24 have been amended. Claims 1-6 and 14-15 have been cancelled. In addition to the amendments discussed below, the claims have also been amended to add further clarity and more broadly claim the present invention.

The present divisional application was filed with six sheets of informal drawings and six sheets of formal drawings. To remove any confusion as to which drawings should be printed with the patent, applicant requests that the drawings filed with the application be replaced with the six sheets of replacement drawings attached in Appendix A. The replacement drawings are identical to the formal drawings filed with the application. By approving the present set of replacement drawings, the present set of replacement drawings will be the drawings printed with the patent.

The Examiner rejected claims 8, 10, 12, and 21-23 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 8, although not necessary, this claim has been amended as suggested by the Examiner (claims 10 and 12 depend from claim 8).

With respect to claims 21-22, the Examiner objected to "conductive spacer" and "conducting spacer" as being confusingly similar and indefinite. Although similar, applicant disagrees that these phrases are indefinite. However, to further prosecution, the phrase "conducting spacer" has been amended to recite "interior spacer." With respect to claim 23, this claim has been amended as suggested by the Examiner.

As a result, it is believed that claims 8, 10, 12, and 21-23 satisfy the requirements of the second paragraph of section 112. In addition, the Examiner indicated that claims 8, 10, 12, and 21-23 would be allowable if amended to

overcome the 112 rejection. As a result, it is believed that claims 8, 10, 12, and 21-23 are allowable.

The Examiner rejected claims 16-17, 19, and 26-27 under 35 U.S.C. §102(e) as being anticipated by Wu et al. (U.S. Patent No. 6,413,832). For the reasons set forth below, applicant respectfully traverses this rejection.

Claim 16 has been amended and recites, in part:

“forming a trench in the insulation region, the trench having a side wall surface that extends continuously from the top surface to the bottom surface and exposes only the insulation region, and a bottom surface.”

In rejecting the claims, the Examiner pointed to regions 14, 16, and 20 shown in FIG. 3 of Wu as constituting the insulation region required by claim 16, and the process of forming trench 24 shown in FIG. 3 of Wu as constituting the “forming a trench” element of claim 16.

The Wu reference, however, does not teach or suggest a trench with side walls that expose only the insulation region. As shown in FIG. 3 of Wu, the side walls of trench 24 expose insulation regions 14, 16, and 20 along with polysilicon layer 18. Thus, trench 24 can not be read to be the trench required by claim 16 because trench 24 has side walls that also expose polysilicon region 18.

Therefore, since the Wu reference fails to teach or suggest a trench with side walls that expose only the insulation region, claim 16 is not anticipated by the Wu reference. In addition, since claims 17-27 depend either directly or indirectly from claim 16, claims 17-27 are not anticipated by Wu reference for the same reasons as claim 16.

The Examiner objected to claims 18, 20, 24, and 25, but indicated that these claims would be allowable if amended to be in independent form and to include all of the limitations of the base claim and any intervening claims. Applicant has not amended claims 18, 20, 24, and 25 at this time in view of the patentability of claim 16.

Thus, for the foregoing reasons, it is submitted that all of the claims are in a condition for allowance. Therefore, the Examiner's early re-examination and reconsideration are respectively requested.

Respectfully submitted,

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APPENDIX A

AMENDMENT IN RESPONSE TO OFFICE  
ACTION DATED MARCH 8, 2005

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